

AO 106 (Rev. 04/10) Application for a Search Warrant (Modified: WAWD 10-26-18)

FEB 27 2019

## UNITED STATES DISTRICT COURT

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

for the  
Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

a black and blue LG brand cellular phone associated  
with telephone number 206-822-5522, more fully  
described in Attachment A

Case No.

MJ19-080

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

a black and blue LG brand Model LM-X212TA cellular phone with serial number 804CYYQ025962 and IMEI number 356351-09-025962-0 that was associated with phone number 206-822-5522, more fully described in Attachment A, incorporated herein by reference.

located in the \_\_\_\_\_ Western \_\_\_\_\_ District of \_\_\_\_\_ Washington \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

## Code Section

## Offense Description

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm

21 U.S.C. § 841(a)(1)

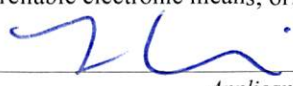
Distribution/Possession w/Intent to Distribute Controlled Substances

The application is based on these facts:

- ☒ See Affidavit of Special Agent Lexie Widmer, continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☐ by reliable electronic means; or: ☐ telephonically recorded.

  
Applicant's signature

Lexie Widmer, Special Agent

Printed name and title

- ☒ The foregoing affidavit was sworn to before me and signed in my presence, or  
☐ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 02/27/2019

  
Judge's signature

City and state: Seattle, Washington

Paula L. McCandlis, United States Magistrate Judge

Printed name and title

STATE OF WASHINGTON           )  
  )           SS  
COUNTY OF KING             )

## **I. INTRODUCTION AND AGENT BACKGROUND**

2. I am a graduate of Western Oregon University in Monmouth, Oregon, where I received a Bachelor of Science in Computer Science and a Bachelor of Science in Criminal Justice. I completed a twelve-week Criminal Investigator Training Program (CITP) and a fifteen-week Special Agent Basic Training (SABT) at the ATF National Academy/Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia.

3. I am responsible for investigations involving specified unlawful activities, to include violent crimes involving firearms that occur in the Western District of Washington. I am also responsible for enforcing federal firearms and explosives laws and related statutes in the Western District of Washington. I received training on the proper investigative techniques for these violations, including the identification of firearms and location of the firearms' manufacture. I have actively participated in investigations of criminal activity, including but not limited to: crimes against property, narcotics-related crimes, and crimes involving the possession, use, theft, or transfer of firearms. During these investigations, I have also participated in the execution of search warrants and the seizure of evidence indicating the commission of criminal violations.

## II. PURPOSE OF AFFIDAVIT

4. This Affidavit is submitted in support of a second application to search a cellular phone (hereinafter "**SUBJECT DEVICE**"), described in Attachment A, attached hereto and incorporated by this reference as if set forth fully herein. The **SUBJECT DEVICE** was recovered from subject LORENZO BELL's bedroom during execution of a search warrant.

5. The **SUBJECT DEVICE** is a black and blue LG brand Model LM-X212TA cellular phone with serial number 804CYYQ025962 and IMEI number 356351-09-025962-0 that was associated with phone number 206-822-5522. The **SUBJECT DEVICE** was entered into Seattle Police Department evidence as tag number 830840-3 and later transferred to ATF Evidence under case 787095-19-0010 as Item #0004.

6. The **SUBJECT DEVICE** is currently secured in the custody of the ATF and is secured in the ATF Seattle V Field Office evidence vault in Seattle, Washington.

7. There is probable cause to believe that the **SUBJECT DEVICE** contains evidence, fruits and instrumentalities of the following crimes: felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1), and distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code, Section 841(a)(1), as further described in Attachment B, attached hereto and incorporated by this reference as if set forth fully herein.

8. The information set forth in this Affidavit consists of information I have gathered and observed firsthand through the course of this investigation to date, as well as information relayed to me by other law enforcement officers, my review of law enforcement reports, and interviews of witnesses. Since this Affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish the necessary foundation for the issuance of such warrant.

### **III. SUMMARY OF INVESTIGATION**

#### **A. Attempted Search of SUBJECT DEVICE.**

9. On November 28, 2018, ATF Special Agent Greg Heller obtained search warrant MJ18-545, authorizing the search of SUBJECT DEVICE. See Attachment C, the application and search warrant previously issued under MJ18-545, attached hereto and incorporated by this reference as if set forth fully herein.

10. Special Agent Heller transferred custody of the SUBJECT DEVICE to Seattle Police to begin the process of executing the warrant.

11. On December 6, 2018, Seattle Police Detective Darin Sugai attempted the extraction process on the SUBJECT DEVICE, but was ultimately not able to overcome the security features to complete the extraction. See Attachment D- Statement of Detective Darin Sugai. The SUBJECT DEVICE was transferred back into ATF custody.

12. On February 26, 2019, I consulted with ATF Special Agent/Digital Media Collection Specialist Catherine Cole. Special Agent Cole communicated to me she had received information that there are available techniques and tools which may potentially allow access to the SUBJECT DEVICE.

### **IV. CONCLUSION**

13. Although the government believes that this second search may be authorized under the previously issued search warrant, in an abundance of caution, the government is requesting a new search warrant.


14. Based on the foregoing, I respectfully submit that there is probable cause to search the **SUBJECT DEVICE**, more fully described in Attachment A, for evidence, fruits, and instrumentalities of the crimes of felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1), and distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code,

\\


\\

\\

1 Sections 841(a)(1), as further described in Attachment B.  
2  
3

4   
5 Lexie Widmer, Special Agent  
6 Alcohol, Tobacco, Firearms, and  
7 Explosives (ATF)  
8

9 Subscribed and sworn before me this 27<sup>th</sup> day of February, 2019.  
10

11   
12 PAULA L. McCANDLIS  
13 United States Magistrate Judge  
14  
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**ATTACHMENT A**

**Subject Device to Be Searched**

The **SUBJECT DEVICE** is a black and blue LG brand Model LM-X212TA cellular phone with serial number 804CYYQ025962 and IMEI number 356351-09-025962-0 that was associated with phone number 206-822-5522. The **SUBJECT DEVICE** was entered into Seattle Police Department evidence as tag number 830840-3 and later transferred to ATF Evidence under case 787095-19-0010 as Item #0004.

The **SUBJECT DEVICE** is currently in the custody of ATF and is secured in the ATF Seattle V Field Office evidence vault in Seattle, Washington.

With respect to the **SUBJECT DEVICE**, the authority to search includes both the device itself and any associated SIM card, SD card, or other similar storage device found within **SUBJECT DEVICE** at the time of its seizure on August 3, 2018.



**ATTACHMENT B**

**Items to be Seized**

From the **SUBJECT DEVICE** described in Attachment A of this warrant, the government is authorized to search for and seize the following items, which are evidence and/or fruits of the commission of the following crimes: felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1), and distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code, Section 841(a)(1):

- a. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
- b. Stored list of recent received, sent, and missed calls;
- c. Stored contact information;
- d. Stored photographs depicting controlled substances, currency, drug packaging material, firearms, or other evidence of drug trafficking, and/or which tend to identify the user of the phone or suspected co-conspirators, including any metadata such as embedded GPS data associated with those photographs; and
- e. Stored text or chat messages related to possession or distribution of controlled substances and possession or transfer of firearms, or which tend to identify the user of the phone or suspected co-conspirators, including TextNow, SnapChat, WhatsApp, or other similar messaging and social media services where the data is stored on the telephone.

**ATTACHMENT C**

**Application and Search Warrant  
previously issued under MJ18-545**



AO 93 (Rev. 11/13) Search and Seizure Warrant

CERTIFIED TRUE COPY  
 ATTEST: WILLIAM M. McCOOL  
 Clerk, U.S. District Court  
 Western District of Washington

By                       
 UNITED STATES DISTRICT COURT

Deputy Clerk

for the  
 Western District of Washington

In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)  
 a LG brand cell phone associated  
 with telephone number 206-822-5522

Case No.

MJ18-545

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search  
 of the following person or property located in the Western District of Washington  
 (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated by reference herein.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property  
 described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated by reference herein.

**YOU ARE COMMANDED** to execute this warrant on or before December 12, 2018 (not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the  
 person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the  
 property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory  
 as required by law and promptly return this warrant and inventory to any U.S. Magistrate Judge in West. Dist. of Washington  
 (United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.  
 § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose  
 property, will be searched or seized (check the appropriate box)

☐ for        days (not to exceed 30) ☐ until, the facts justifying, the later specific date of                     

Date and time issued: 11/28/2018 10:00 am

James P. Donohue  
 Judge's signature

James P. Donohue, United States Magistrate Judge

Printed name and title

City and state: Seattle, Washington

ATTACHMENT C - 2  
 USAO No. 2018-1267

UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101  
 (206) 553-7970

Bell\_000665

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

<b>Return</b>		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
<b>Certification</b>		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>		
Date: _____	<div style="text-align: center;">           _____  <i>Executing officer's signature</i> </div>	
	<div style="text-align: center;">           _____  <i>Printed name and title</i> </div>	

**ATTACHMENT A**

**Subject Device to Be Searched**

The **SUBJECT DEVICE** is a black and blue LG brand Model LM-X212TA cellular phone with serial number 804CYYQ025962 and IMEI number 356351-09-025962-0 that was associated with phone number 206-822-5522. The **SUBJECT DEVICE** was entered into Seattle Police Department evidence as tag number 830840-3 and later transferred to ATF Evidence under case 787095-19-0010 as Item #0004.

The **SUBJECT DEVICE** is currently in the custody of ATF and is secured in the ATF Seattle V Field Office evidence vault in Seattle, Washington.

With respect to the **SUBJECT DEVICE**, the authority to search includes both the device itself and any associated SIM card, SD card, or other similar storage device found within **SUBJECT DEVICE** at the time of its seizure on August 3, 2018.

**ATTACHMENT B**

**Items to be Seized**

From the **SUBJECT DEVICE** described in Attachment A of this warrant, the government is authorized to search for and seize the following items, which are evidence and/or fruits of the commission of the following crimes: felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1), and distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code, Section 841(a)(1):

- a. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
- b. Stored list of recent received, sent, and missed calls;
- c. Stored contact information;
- d. Stored photographs depicting controlled substances, currency, drug packaging material, firearms, or other evidence of drug trafficking, and/or which tend to identify the user of the phone or suspected co-conspirators, including any metadata such as embedded GPS data associated with those photographs; and
- e. Stored text or chat messages related to possession or distribution of controlled substances and possession or transfer of firearms, or which tend to identify the user of the phone or suspected co-conspirators, including TextNow, SnapChat, WhatsApp, or other similar messaging and social media services where the data is stored on the telephone.

AO 106 (Rev. 04/10) Application for a Search Warrant

FILED  
LODGEDENTERED  
RECEIVEDCERTIFIED TRUE COPY  
ATTEST: WILLIAM M. McCOOL  
Clerk, U.S. District Court  
Western District of Washington

NOV 28 2018

## UNITED STATES DISTRICT COURT

for the

Western District of Washington

Deputy Clerk

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)a LG brand cell phone associated  
with telephone number 206-822-5522

Case No.

MJ18-545

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached and incorporated herein.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached and incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 922(g)(1)	Felon in Possession of a Firearm
21 U.S.C. 841(a)(1)	Distribution/Possession w/Intent to Distribute Controlled Substances

The application is based on these facts:

Please see Affidavit of Special Agent Gregory Heller (ATF)

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Special Agent Gregory Heller (ATF)

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/28/2018

City and state: Seattle, Washington



Hon. James P. Donohue, United States Magistrate Judge

Printed name and title

ATTACHMENT C - 6  
 USAO #2018R01267  
 USAO No. 2018R01267

UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101  
 (206) 553-7970

Bell\_000669

1 **AFFIDAVIT**

2 STATE OF WASHINGTON )  
 3 ) ss  
 4 COUNTY OF KING )

5 I, Gregory Heller, a Special Agent/Task Force Officer with the Federal Bureau of  
 6 Alcohol, Tobacco, Firearms, and Explosives (ATF), in Seattle, Washington, having been  
 7 duly sworn, state as follows:

8 **INTRODUCTION AND AGENT BACKGROUND**

9 1. I am a special agent (SA) duly sworn and employed by the U.S.  
 10 Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I  
 11 am currently assigned to the Seattle V ATF Field Office, located within the Seattle,  
 12 Washington, Field Division. I have been employed as a special agent since September  
 13 2014. Prior to this employment, I was employed as a police officer and detective for  
 14 Gwinnett County, Georgia, from 2007 to 2014. In total, I have approximately eleven  
 15 years of state and federal law enforcement experience.

16 2. I am a graduate of Duke University in Durham, North Carolina, where I  
 17 received a Bachelor of Science in Engineering (B.S.E.) in Civil Engineering. I completed  
 18 a twelve-week Criminal Investigator Training Program (CITP) and a fourteen-week  
 19 Special Agent Basic Training (SABT) at the ATF National Academy/Federal Law  
 20 Enforcement Training Center (FLETC) in Glynco, Georgia. I also completed a 23-week  
 21 Gwinnett County Police Training Academy and was a Peace Officer Standards and  
 22 Training (P.O.S.T.) certified peace officer in the State of Georgia.

23 3. I am responsible for investigations involving specified unlawful activities,  
 24 to include violent crimes involving firearms that occur in the Western District of  
 25 Washington. I am also responsible for enforcing federal firearms and explosives laws and  
 26 related statutes in the Western District of Washington. I received training on the proper  
 27 investigative techniques for these violations, including the identification of firearms and  
 28 location of the firearms' manufacture. I have actively participated in investigations of

AFFIDAVIT OF SPECIAL AGENT HELLER - 1  
 USAO #2018R01267

ATTACHMENT C - 7  
 USAO #2018R01267

UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101  
 (206) 553-7970  
 UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101  
 (206) 553-7970 Bell\_000670

1 criminal activity, including but not limited to: crimes against persons, crimes against  
 2 property, narcotics-related crimes, and crimes involving the possession, use, theft, or  
 3 transfer of firearms. During these investigations, I have also participated in the execution  
 4 of search warrants and the seizure of evidence indicating the commission of criminal  
 5 violations. As a law enforcement officer, I have testified under oath, affirmed to  
 6 applications of search and arrest warrants, and obtained electronic monitoring orders.

#### 7 PURPOSE OF AFFIDAVIT

8 4. This Affidavit is submitted in support of an application to search a cellular  
 9 phone (hereinafter "**SUBJECT DEVICE**"), described in Attachment A, attached hereto  
 10 and incorporated by this reference as if set forth fully herein. As further explained below,  
 11 The **SUBJECT DEVICE** was recovered from subject LORENZO BELL's bedroom  
 12 during execution of a search warrant. Furthermore, Seattle Police Detective William  
 13 Miller confirmed that the phone number associated with the **SUBJECT DEVICE** is 206-  
 14 822-5522, which is the same number that BELL provided to a confidential informant (CI)  
 15 after a controlled purchase of narcotics.

16 5. The **SUBJECT DEVICE** is a black and blue LG brand Model LM-  
 17 X212TA cellular phone with serial number 804CYYQ025962 and IMEI number 356351-  
 18 09-025962-0 that was associated with phone number 206-822-5522. The **SUBJECT**  
 19 **DEVICE** was entered into Seattle Police Department evidence as tag number 830840-3  
 20 and later transferred to ATF Evidence under case 787095-19-0010 as Item #0004.

21 6. The **SUBJECT DEVICE** is currently in the custody of ATF and is secured  
 22 in the ATF Seattle V Field Office evidence vault in Seattle, Washington.

23 7. As set forth below, there is probable cause to believe that the **SUBJECT**  
 24 **DEVICE** contains evidence, fruits and instrumentalities of the following crimes: felon in  
 25 possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1),  
 26 and distribution and possession with intent to distribute controlled substances in violation  
 27 of Title 21, United States Code, Section 841(a)(1), as further described in Attachment B,  
 28 attached hereto and incorporated by this reference as if set forth fully herein.

AFFIDAVIT OF SPECIAL AGENT HELLER - 2  
 USAO #2018R01267

ATTACHMENT C - 8  
 USAO #2018R01267

UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101

(206) 553-7970  
 UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101  
 (206) 553-7970

Bell\_000671



8. The information set forth in this Affidavit consists of information I have gathered and observed firsthand through the course of this investigation to date, as well as information relayed to me by other law enforcement officers, my review of law enforcement reports, and interviews of witnesses. Since this Affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish the necessary foundation for the issuance of such warrant.

### **SUMMARY OF INVESTIGATION**

#### **A. Background.**

9. Seattle Police Detective William Miller has advised me of the following. In June 2018, personnel assigned to SPD's West Precinct noticed an uptick in narcotics related activity in the vicinity of the King County Courthouse. These personnel created a plan to target this activity and reached out to SPD's Narcotics unit for assistance. Detective Miller was assigned this project and began to do background research on a provided list of known narcotic traffickers in the area.

10. Detective Miller conducted his own surveillance of the area around the King County Courthouse (516 3rd Avenue South) and observed the immense amount of narcotics activity. Detective Miller observed numerous known drug traffickers standing and parking vehicles near the courthouse to sell narcotics. He observed dealers arrive at varying hours of the day and remain there whilst foot and vehicular traffic arrive to purchase narcotics.

11. During this surveillance, Detective Miller observed a consistent dealer arrive and park at the intersection of 3rd Avenue and Yesler Street in downtown Seattle. This dealer is LORENZO H. BELL (DOB XX-XX-1945). Detective Miller was able to identify BELL by sight after researching known narcotics traffickers in the downtown core. According to Detective Miller, BELL typically arrived to the Third and Yesler-area around 9:00 a.m.. This time coincided with the nearby Lazarus center breakfast service, which provides meals to homeless individuals.

AFFIDAVIT OF SPECIAL AGENT HELLER - 3  
USAO #2018R01267

ATTACHMENT C - 9  
USAO #2018R01267

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970  
UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970

Bell\_000672

12. On June 27, 2018, around 9:30 a.m., Detective Miller observed BELL parked at Third and Yesler. Throughout the surveillance, BELL was observed making transactions in his vehicle, bearing Washington license plate AWE4811. Numerous individuals would sit in BELL's vehicle for a short time and exchange items. This is indicative of narcotics trafficking.

13. On June 29, 2018, at 8:42 a.m., Undercover SPD Detective Chin (hereinafter referred to as a "UC") contacted BELL while BELL was parked at Third and Yesler. BELL directed the UC to another dealer for the purchase of crack cocaine. BELL did not want to sell to the UC because of the small amount of crack cocaine the UC asked to purchase. After BELL facilitated this sale, he was observed by detectives making several contacts with individuals inside his tan Mercedes Benz 420 bearing Washington license plate AWE4811.

14. On July 5, 2018, BELL was observed parked near Third and Yesler in the morning. BELL was observed making contacts with customers in his vehicle. Undercover Detective Chin was sent to purchase narcotics from BELL. The UC spoke with BELL through the passenger window, which was rolled down. BELL instructed the UC to get inside the vehicle. The UC then sat in the car with the door open, to which BELL said "I don't do business this way, close the door." The UC attempted again to purchase crack cocaine from BELL, but BELL would not sell crack while the door to the Mercedes Benz was open.

15. On July 13, 2018, detectives observed BELL leave his apartment complex (The Madison Apartments) at approximately 9:30 a.m. and drive his Mercedes Benz to the 400 Block of Second Avenue Extension South in Seattle. Upon arriving in this area, BELL exited the vehicle and went to the trunk where he removed a small backpack or satchel. BELL remained in this block for an extended period of time before detectives left for another operation.

16. SPD used a confidential informant (CI) during this investigation. The CI has worked with law enforcement in other investigations, which led to arrests and

AFFIDAVIT OF SPECIAL AGENT HELLER - 4  
USAO #2018R01267

ATTACHMENT C - 10  
USAO #2018R01267

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970  
Bell\_000673

1 | prosecutions for drug-related crimes. The CI was paid for his/her work with on this  
 2 | investigation, including the controlled purchase of cocaine from BELL described in  
 3 | greater detail below.<sup>1</sup>

4 | 17. On July 28, 2018, the CI called and stated BELL was observed driving a  
 5 | newer 7-series BMW around Pioneer Square. The CI stated he/she observed BELL  
 6 | dealing from this vehicle.

7 | 18. BELL was observed parked in the 200 block of Yesler Street sitting in a  
 8 | silver BMW 745 bearing Washington license plate BJL2129. The bill of sale on this car  
 9 | read as follows:

10 | NOTIFICATIONS  
 11 | THIS VEHICLE HAS BEEN SOLD.  
 12 | SLD/07-13-2018.  
 13 | NAM/BELL, LORENZO.  
 14 | STR/823 MADISON ST  
 15 | APT 301.  
 16 | CIT/SEATTLE.STA/WA.ZIP/98104

17 | 19. In the week before July 31, 2018, on a date and time known to Detective  
 18 | Miller and not further detailed to avoid revealing the CI's identity, detectives met the  
 19 | above-listed CI at a pre-determined meeting location in Seattle. The CI was searched for  
 20 | narcotics, paraphernalia, currency and weapons. The CI was free from the listed items.  
 21 | The CI was given pre-recorded buy money and instructed to purchase narcotics from  
 22 | BELL.

23 | 20. Detectives monitored the apartment complex at 823 Madison Street in  
 24 | Seattle (The Madison Apartments). Through a conversation with BELL's apartment  
 25 | manager, detectives confirmed that BELL lived in unit 301. Detectives observed BELL's  
 26 | Mercedes Benz, bearing Washington license plate AWE4811, parked on Ninth Avenue  
 27 | just south of Madison Street. This is the east side of the apartment complex. Detectives

28 | <sup>1</sup> For purposes of this affidavit, the Court can assume that the CI has one criminal conviction within the past ten  
 years, for a drug offense, as well as older convictions for Assault 4 - DV (2001), DWI (1999), Reckless Driving  
 (1990), Damage Property (1990), Dangerous Drugs (1989), and Larceny (1989).

AFFIDAVIT OF SPECIAL AGENT HELLER - 5  
 USAO #2018R01267

ATTACHMENT C - 11  
 USAO #2018R01267

UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101  
 (206) 553-7970  
 UNITED STATES ATTORNEY  
 700 STEWART STREET, SUITE 5220  
 SEATTLE, WASHINGTON 98101  
 (206) 553-7970

Bell\_000674

1 observed BELL leave the front door of the apartment complex carrying a small backpack  
2 or satchel. This backpack was placed in the trunk of the vehicle before BELL left the  
3 parking space. BELL walked to the Mercedes Benz and drove to Pioneer Square. BELL  
4 remained in the driver seat of the parked vehicle.

5 21. Once BELL parked, the CI traveled to BELL. The CI did not contact  
6 anyone and was under constant observation by detectives. The CI entered the passenger  
7 seat of the car and purchased crack cocaine from BELL. The CI then left BELL and went  
8 to a pre-determined meet location where he/she met with detectives. While the CI  
9 traveled to this location he/she did not stop or contact anyone.

10 22. Once at the meet location, the CI handed over a quantity of narcotics which  
11 contained suspected crack cocaine. The CI and their property were again searched for  
12 narcotics, paraphernalia, currency and weapons. Again, the CI was free of the listed  
13 items. The quantities of narcotics and price for them are known to Detective Miller and  
14 not further detailed to avoid revealing the CI's identity.

15 23. The CI stated he/she briefly spoke with BELL, whom he/she knows by the  
16 street name of "Mustafa." BELL gave his phone number to the CI for future transactions.  
17 The CI provided "Mustafa's" phone number as 206-822-5522.

18 24. Detective Miller showed the CI a picture of BELL, and the CI confirmed  
19 the photograph as the person he/she knows as "Mustafa." There were no identifying  
20 marks on the photograph presented to the CI. The CI was released and the listed crack  
21 cocaine was transported to the Seattle Police Department for further processing.

22 25. Detective Miller conducted a field test on the suspected narcotics in  
23 accordance with the protocols established by the Washington State Patrol Crime  
24 Laboratory (WSPCL). He used the appropriate NIK field tester "G" to conduct the test  
25 and received positive results for the presence of crack cocaine. The crack cocaine was  
26 placed into evidence.

27 **B. BELL's Arrest on August 3, 2018.**

AFFIDAVIT OF SPECIAL AGENT HELLER - 6  
USAO #2018R01267

ATTACHMENT C - 12  
USAO #2018R01267

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-2970  
UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970

Bell\_000675

26. On July 31, 2018, Detective Miller applied for a search warrant for BELL's apartment unit, one of BELL's vehicles (the Mercedes Benz), and BELL's person. King County Superior Court Judge Kristin Richardson issued the warrant.

27. On August 3, 2018, at about 6:45 a.m., BELL was arrested at First and Cherry in downtown Seattle, after leaving his apartment in his BMW. Arresting officers searched BELL and located a sandwich bag of crack cocaine, an Altoids tin with several rocks of crack cocaine packaged for resale, and \$190 in cash. BELL was transported to the West Precinct.

28. Investigators weighed the suspected crack cocaine recovered from BELL's person, which weighed 27.5 grams and 1.5 grams respectively. The substances field-tested positive for cocaine.

**C. Search of BELL's Apartment on August 3, 2018.**

29. At about 8:00 a.m., SPD's South Precinct Anti-Crime Team (ACT) served the search warrant at 823 Madison ST, unit 301, and the Mercedes Benz bearing Washington license plate AWE4811. The officers found a female, E.B., inside the apartment. Officers searched the apartment and located an Interarms Star 9mm semiautomatic pistol bearing serial number 1603272 on BELL's bed. The pistol had a loaded magazine inserted, with an empty chamber. A second loaded 9mm magazine for the pistol was located in a bag in the bedroom.

30. A small amount of crack cocaine and \$36 cash were also recovered from the apartment, along with paperwork in BELL's name. The **SUBJECT DEVICE** was also located in BELL's bedroom, next to BELL's bed. Detective Miller called 206-822-5522, the phone number provided by the CI, and the **SUBJECT DEVICE** rang.

**D. BELL's Criminal History.**

31. I have reviewed BELL's National Crime Information Center (NCIC) criminal history record and confirmed that BELL has been convicted of at least nine felonies in the State of Washington, including a conviction for *Conspiracy to Commit a Violation of the Uniform Controlled Substances Act: Deliver Cocaine*, in King County

AFFIDAVIT OF SPECIAL AGENT HELLER - 7  
USAO #2018R01267

ATTACHMENT C - 13  
USAO #2018R01267

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970

Bell\_000676

1 Superior Court, Washington, under cause number 17-1-04705-4, dated on or about April  
 2 13, 2018. In Washington, a felony crime is punishable by a term of imprisonment  
 3 exceeding one year.

4 **E. Interstate Nexus Examination of Firearms.**

5 32. ATF Special Agent (SA) Oliver Mullins has been trained and is considered  
 6 an expert in the recognition of firearms and ammunition and their origin of manufacture.  
 7 After examining the Interarms Star 9mm pistol recovered in this case, SA Mullins  
 8 determined that this firearm was not manufactured in the State of Washington and  
 9 therefore had traveled in interstate or foreign commerce prior to being possessed in the  
 10 State of Washington.

11 **USE OF CELLULAR DEVICES IN DRUG TRAFFICKING**

12 33. As a result of my training and experience, and based on my consultation  
 13 with other agents and law enforcement officers, I have an understanding of the manner in  
 14 which narcotics are distributed and the various roles played by individuals and groups in  
 15 their distribution. I have encountered and have become familiar with various tools,  
 16 methods, trends, paraphernalia, and related articles utilized by various traffickers in their  
 17 efforts to import, conceal, and distribute controlled substances. I am also familiar with the  
 18 manner in which drug traffickers use telephones, often cellular telephones, to conduct  
 19 their unlawful operations. I am also familiar with the manner in which drug traffickers  
 20 will use weapons to protect their drug activities and further its goals.

21 34. Based upon my training, experience, and conversations with other  
 22 experienced officers and agents, I know that:

- 23 a. Drug trafficking conspiracies usually take place over several months or  
 24 years, and continue to operate even when enforcement activity results in  
 25 arrests and/or seizures of drugs and/or money.
- 26 b. Persons involved in the distribution of controlled substances typically will  
 27 obtain and distribute drugs on a regular basis, much as a distributor of a  
 28 legal commodity would purchase stock for sale. Similarly, such drug



dealers will maintain an "inventory," which will fluctuate in size depending upon the demand for and the available supply of the product.

c. Those involved in the distribution of illicit drugs often communicate by telephone in connection with their illegal activities in order to set up meetings with coconspirators, conduct drug transactions, or to arrange for the transportation drugs or drug proceeds.

d. Drug traffickers often document aspects of their criminal conduct through photographs or videos of themselves, their associates, their property, and their product. Drug traffickers usually maintain these photographs or videos in their possession.

e. Drug traffickers routinely change telephone numbers in an attempt to thwart law enforcement. When certain members of a drug trafficking organization change their telephone numbers, they typically call other members to alert them of the telephone number change.

f. Those involved in the distribution of illicit drugs often travel by car in connection with their illegal activities in order to meet with coconspirators, conduct drug transactions, or to transport drugs or drug proceeds.

g. Drug traffickers commonly have in their possession, that is, on their person, at their residences, stash houses, storage units, garages, outbuildings and/or vehicles, firearms, ammunition, and other weapons, which are used to protect and secure their property. Persons who purchase and possess firearms also tend to maintain the firearms and ammunition for lengthy periods of time. Firearms can be acquired both legally and unlawfully, without official / traceable documentation. Persons who acquire firearms from Federal Firearms Licensees, through deliberated fraud and concealment, often will also acquire firearms from private parties and other sources unknown to ATF. Firearms or ammunition are often secreted at other locations within their residential curtilage, and the identification of



1 these firearms will assist in establishing their origins. Persons who  
 2 purchase, possess, sell and/or trade firearms or ammunition commonly  
 3 maintain documents and items that are related to the purchase, ownership,  
 4 possession, sale and/or transfer of firearms, ammunition, and/or firearm  
 5 parts, including but not limited to driver's licenses, telephone records,  
 6 telephone bills, address and telephone books, canceled checks, receipts,  
 7 bank records and other financial documentation on the owner's person, at  
 8 the owner's residence, or in vehicles that they own, use, or have access to.

9 h. Drug dealers use cellular telephones as a tool or instrumentality in  
 10 committing their criminal activity. They use them to maintain contact with  
 11 their suppliers, distributors, and customers. They prefer cellular telephones  
 12 because, first, they can be purchased without the location and personal  
 13 information that land lines require. Second, they can be easily carried to  
 14 permit the user maximum flexibility in meeting associates, avoiding police  
 15 surveillance, and traveling to obtain or distribute drugs. Third, they can be  
 16 passed between members of a drug conspiracy to allow substitution when  
 17 one member leaves the area temporarily. Since cellular phone use became  
 18 widespread, most of the drug dealers I have encountered have used cellular  
 19 telephone for their drug businesses. I also know that it is common for drug  
 20 traffickers to retain in their possession phones that they previously used, but  
 21 have discontinued actively using, for their drug trafficking business. Based  
 22 on my training and experience, the data maintained in a cellular telephone  
 23 used by a drug dealer is evidence of a crime or crimes. This includes the  
 24 following:

25 i. The assigned number to the cellular telephone (known as the mobile  
 26 directory number or MDN), and the identifying telephone serial  
 27 number (Electronic Serial Number, or ESN), (Mobile Identification  
 28 Number, or MIN), (International Mobile Subscriber Identity, or

1 IMSI), or (International Mobile Equipment Identity, or IMEI) are  
 2 important evidence because they reveal the service provider, allow  
 3 us to obtain subscriber information, and uniquely identify the  
 4 telephone. This information can be used to obtain toll records, to  
 5 identify contacts by this telephone with other cellular telephones  
 6 used by co-conspirators, to identify other telephones used by the  
 7 same subscriber or purchased as part of a package, and to confirm if  
 8 the telephone was contacted by a cooperating source.

9 ii. The stored list of recent received, missed, and sent calls is important  
 10 evidence. It identifies telephones recently in contact with the  
 11 telephone user. This is valuable information in a drug investigation  
 12 because it will identify telephones used by other members of the  
 13 organization, such as suppliers, distributors and customers, and it  
 14 confirms the date and time of contacts. If the user is under  
 15 surveillance, it identifies what number he called during or around the  
 16 time of a drug transaction or surveilled meeting. Even if a contact  
 17 involves a telephone user not part of the conspiracy, the information  
 18 is helpful (and thus is evidence) because it leads to friends and  
 19 associates of the user who can identify the user, help locate the user,  
 20 and provide information about the user. Identifying a defendant's  
 21 law-abiding friends is often just as useful as identifying his drug-  
 22 trafficking associates. The information is also valuable in the  
 23 firearms context because it will identify telephones used by other  
 24 individuals who are part of illegal firearms transactions, and confirm  
 25 the date and time of contacts.

26 iii. Stored text messages are important evidence, similar to stored  
 27 numbers. Agents can identify both drug associates, and friends of the  
 28

1 user who likely have helpful information about the user, his location,  
2 and his activities.

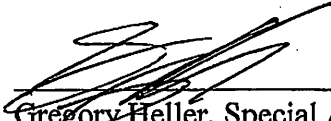
3 iv. Photographs on a cellular telephone are evidence because they help  
4 identify the user, either through his or her own picture, or through  
5 pictures of friends, family, and associates that can identify the user.  
6 Pictures also identify associates likely to be members of the drug  
7 trafficking organization. Some drug dealers photograph groups of  
8 associates, sometimes posing with weapons and showing identifiable  
9 gang signs. Also, digital photos often have embedded "geocode" or  
10 GPS information embedded in them. Geocode information is  
11 typically the longitude and latitude where the photo was taken.  
12 Showing where the photo was taken can have evidentiary value. This  
13 location information is helpful because, for example, it can show  
14 where coconspirators meet, where they travel, and where assets  
15 might be located. Based on my training and experience in  
16 investigating numerous firearms possession and trafficking offenses,  
17 I am aware that when individuals who are prohibited from legally  
18 possessing firearms seek to acquire firearms, they typically seek to  
19 obtain the firearms from private sellers. A common way in which  
20 these types of private firearm sales, also referred to as "street sales,"  
21 are transacted is via electronic communications such as text  
22 message, email, and/or telephone calls. I know that cell phones are  
23 frequently used to arrange such transactions because of the  
24 flexibility and mobility they offer. I am further aware that when  
25 individuals are offering items of value for sale, such as firearms, it is  
26 common for them to take a photograph of the item and send it via  
27 text message or email to an interested party for their review, or to  
28 take a photograph of it to post/advertise it via social media or the

1 internet. During numerous investigations of firearms sales, I have  
 2 found it to be common for buyer's or seller's cell phones to contain  
 3 photographs of the firearms that were bought or sold.

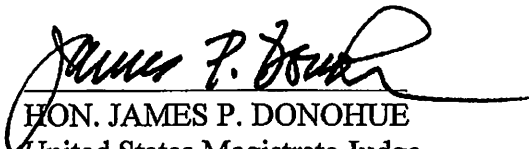
- 4 v. Stored address records are important evidence because they show the  
 5 user's close associates and family members, and they contain names  
 6 and nicknames connected to phone numbers that can be used to  
 7 identify suspects.

### 8 CONCLUSION

9 35. Based on the foregoing, I respectfully submit that there is probable cause to  
 10 search the **SUBJECT DEVICE**, more fully described in Attachment A, for evidence,  
 11 fruits, and instrumentalities of the crimes of felon in possession of a firearm, in violation  
 12 of Title 18, United States Code, Section 922(g)(1), and distribution and possession with  
 13 intent to distribute controlled substances in violation of Title 21, United States Code,  
 14 Sections 841(a)(1), as further described in Attachment B.

15  
 16  
 17   
 18 Gregory Heller, Special Agent  
 19 Alcohol, Tobacco, Firearms, and  
 20 Explosives (ATF)

21 Subscribed and sworn before me this 28th day of November, 2018.

22  
 23  
 24   
 25 HON. JAMES P. DONOHUE  
 26 United States Magistrate Judge  
 27  
 28

**ATTACHMENT A**

**Subject Device to Be Searched**

The **SUBJECT DEVICE** is a black and blue LG brand Model LM-X212TA cellular phone with serial number 804CYYQ025962 and IMEI number 356351-09-025962-0 that was associated with phone number 206-822-5522. The **SUBJECT DEVICE** was entered into Seattle Police Department evidence as tag number 830840-3 and later transferred to ATF Evidence under case 787095-19-0010 as Item #0004.

The **SUBJECT DEVICE** is currently in the custody of ATF and is secured in the ATF Seattle V Field Office evidence vault in Seattle, Washington.

With respect to the **SUBJECT DEVICE**, the authority to search includes both the device itself and any associated SIM card, SD card, or other similar storage device found within **SUBJECT DEVICE** at the time of its seizure on August 3, 2018.

**ATTACHMENT B**

**Items to be Seized**

From the **SUBJECT DEVICE** described in Attachment A of this warrant, the government is authorized to search for and seize the following items, which are evidence and/or fruits of the commission of the following crimes: felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1), and distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code, Section 841(a)(1):

- a. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
- b. Stored list of recent received, sent, and missed calls;
- c. Stored contact information;
- d. Stored photographs depicting controlled substances, currency, drug packaging material, firearms, or other evidence of drug trafficking, and/or which tend to identify the user of the phone or suspected co-conspirators, including any metadata such as embedded GPS data associated with those photographs; and
- e. Stored text or chat messages related to possession or distribution of controlled substances and possession or transfer of firearms, or which tend to identify the user of the phone or suspected co-conspirators, including TextNow, SnapChat, WhatsApp, or other similar messaging and social media services where the data is stored on the telephone.

**ATTACHMENT D**

**Statement of Detective Darin Sugai**





SEATTLE  
POLICE  
DEPARTMENT

## STATEMENT FORM

GENERAL OFFENSE #

18-286743

RELATED EVENT#

Date: 12.10.18	Time: 0830 hrs	Place Seattle Police Headquarters
Statement of: <input type="checkbox"/> Complainant <input type="checkbox"/> Witness <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Officer <input type="checkbox"/> Other:		
Name (Last, First MI) Sugai, Darin M.		DOB
Statement Taken By: Self	Serial 6119	Unit B771T
Transcribed by (Taped/Translated Statements)	Serial	Unit

On Thursday, December 6, 2018, I started the extraction process on a LG Aristo 2 Plus cell phone (ATF Case #787095-19-0010 / Exhibit #4 / Model #LM-X212TA / IMEI #356351090259620 / Serial #804CYYQ025962 / ICCID #8901260142713667448 / Phone #206.822.5522 / Cell Service Provider: T-Mobile) I received from Narcotics Unit Detective William Miller. Detective Miller also provided a signed United States District Court Search Warrant authorizing the extraction of information from this cell phone with no limitations.

After charging the cell phone's battery, I removed the back cover and battery and documented the model and IMEI numbers. I also removed the SIM card and documented the ICCID number and cell service provider before re-inserting the SIM card back into the cell phone. I replaced the battery and back cover and powered the cell phone on. I found that the cell phone required entry of a PIN to start the power on cycle, which is called "secure startup."

I checked the make and model of cell phone on the Cellebrite System and found that the system could not bypass or decipher the PIN for this cell phone. I powered off the cell phone and removed the SIM card. I placed the SIM card into the Cellebrite Touch device and selected to perform a SIM Data Logical extraction. I completed the onscreen instructions before starting this process. Once the extraction successfully completed, I removed the SIM card from the Cellebrite Touch device and re-inserted back into the cell phone. I returned the cell phone to the ATF evidence bag.

I opened the SIM Data Logical extraction file on my desktop computer using the Cellebrite Physical Analyzer computer application and documented the assigned phone number before generating a Cellebrite report. This was the only extraction I could complete on this cell phone due to the PIN requirement.

I returned the cell phone to Detective Miller and provided him the SIM Data Logical extraction file, the Cellebrite report and the Cellebrite Reader computer application, which is needed to review the report.

\*\*\*\*\* End of Statement \*\*\*\*\*

Witness
Witness

X

*Sugai #6119*